

Rule 375-5-2-.32

Denial/Suspension/Revocation/Cancellation of Third-Party Testing Program Certification

- (1) The Department may deny any application for a Tester or Examiner's certification or cancel certification if the applicant does not qualify for certification under these rules. Misstatements or misrepresentations in the application may be grounds for cancellation.
- (2) Any Tester or Examiner may relinquish a certification upon thirty (30) days written notice to the Department. All forms, manuals, or supplies that the Department has furnished, including certification and certification identification cards of Examiners shall be surrendered.
- (3) The Department may cancel the Third-Party Testing Program provided for in these requirements in its entirety.
- (4) The Department may suspend or revoke a Tester or Examiner's certification upon any of the following grounds:
 - (a) Failure to comply with or satisfy any of the provisions of these requirements, the Department's instructions or the Third-Party Tester agreement.
 - (b) Falsification of any records or information relating to the Third-Party Testing Program.
 - (c) Commission of any act which compromises the integrity of the Third-Party Program.
 - (d) Failure to fully cooperate with the Monitor, including providing the Monitor access to:
 - (i) All Third-Party Tester Program documents and records;
 - (ii) Any facility where testing is performed; or
 - (e) For the Examiner: driver's license suspension, revocation, recall, or disqualifications.
 - (f) If applicable, failure to maintain a copy of the student's OCRA issued thirty (30) hour classroom or online driver training certificate of completion in the student's student file.
 - (g) Administering a skills test to a student who did not complete the six (6) hour behind-the-wheel portion of driver training at the Tester's Driver Training school.
 - (h) If the Department determines that grounds for cancellation of certification exists for failure to comply with or satisfy any of these requirements or the Third Party Tester Agreement, the Department may postpone action and allow the Tester or Examiner thirty (30) days to correct the deficiency.
- (5) A tester and/or examiner may appeal any action taken in accordance with this rule pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-27, 40-5-101.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this amendment is to reference the new single appeal rule where all applicable procedures can be found.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

This proposed amendment adds reference to the new single appeal rule, Ga. Comp. R. & Regs. R. 375-1-1-.06.